

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

CAMBRIDGE RETIREMENT SYSTEM, on  
behalf of itself and all others similarly situated,

Plaintiff,

v.

INVACARE CORPORATION, GERALD B.  
BLOUCH, A. MALACHI MIXON, III, and  
ROBERT K. GUDBRANSON,

Defendants.

Case No. 1:13-cv-1165

Judge Christopher A. Boyko

**VERIFIED STATEMENT AND OATH  
OF DAVID R. KAPLAN IN SUPPORT  
OF APPLICATION FOR *PRO HAC  
VICE* ADMISSION**

I, David R. Kaplan, under the authority of the rules governing admission to the United States District Court, Northern District of Ohio, Eastern Division, move this Court for permission to participate *pro hac vice* as counsel in the above-referenced case and would show the Court as follows:

1. I am a member of the firm of Bernstein Litowitz Berger & Grossmann LLP, 12481 High Bluff Drive, Suite 300, San Diego, CA 92130; Telephone: 858-793-0070; Facsimile: 858-793-0323; Email: [davidk@blbglaw.com](mailto:davidk@blbglaw.com).

2. The firm that I am a member of has been counsel for Guam in the past and Guam, through my assistance, was able to secure the services of Scott D. Simpkins, who is a practicing attorney, member of the State Bar of Ohio, and admitted to practice before this Court. Mr. Simpkins' bar registration number is 0066775. The firm address is as follows: Climaco, Wilcox, Peca, Tarantino & Garofoli Co., L.P.A., 55 Public Square, Suite 1950, Cleveland, OH 44113.

3. I became admitted to practice in the state of California on February 13, 2004, and I am an active member in good standing. My California Attorney Registration number is 230144. I have also been admitted to practice before the United States Court of Appeals for the Ninth Circuit, as well as the United States District Court in the Central District of California, Southern District of California, and Northern District of California.

4. I have never been disbarred or suspended from practice before any court, Department, bureau or commission of any State or the United States, or ever received any reprimand from any such court, department, bureau or commission pertaining to conduct or fitness as a member of the bar of any jurisdiction in which I have been licensed.

5. This Verified statement is accompanying a motion of Ohio attorney, Scott D. Simpkins, with whom I will be associated in the proceedings of this case, and below is an Oath per Local Rule 83.5(f).

WHEREFORE, Movant, David R. Kaplan, prays that this Court grant him permission to participate as a non-resident attorney in the proceedings of this case.

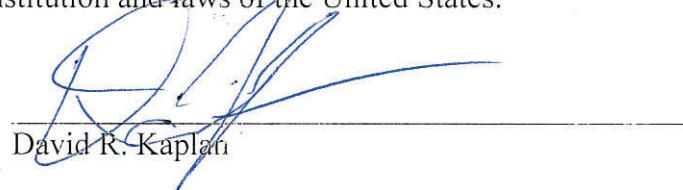


David R. Kaplan

**OATH**

Pursuant to Local Rule 83.5(f):

I, David R. Kaplan, do solemnly swear that as an attorney of this Court, I will conduct myself uprightly, according to the law and the ethical standards of the Code of Professional Responsibility adopted by the Supreme Court of Ohio, so far as they are not inconsistent with Federal Law, and that I will support the Constitution and laws of the United States.



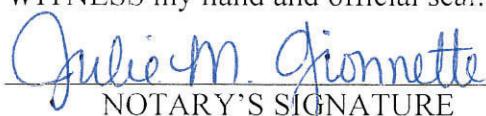
David R. Kaplan

State of California )  
                          )  
                          ) SS  
County of San Diego )

On August 29, 2013, before me, Julie Gionnette, Notary Public, personally appeared David R. Kaplan, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s) or the entity upon behalf of which the person(s) acted, executed the instrument.

**I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.**

WITNESS my hand and official seal.



NOTARY'S SIGNATURE

